

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

2

3 **RESOLUTION NO. R-9-02 Amended**

4

5 **Introduced by Alderman Fox**

6

7

8 **A RESOLUTION concerning**

9

10 **Bembe Beach / Bay Front Drive Property Annexation**

11

12 **FOR** the purpose of annexing into the boundaries of the City of Annapolis certain

13 property located on Bay Front Drive, lying along the waterfront between Bembe

14 Beach property earlier annexed to the north and the BayWoods complex to the

15 south and west; and Chesapeake Bay/mouth of Severn River east, contiguous to

16 the existing boundary of the City of Annapolis.

17

18 **WHEREAS,** Henry and Eleanor Wilson et al. are the owners of the property hereinafter

19 described and have requested the Annapolis City Council to consider

20 annexation of the said property to the lands included within the corporate

21 limits of the City of Annapolis; and

22

23 **WHEREAS,** the signatures of the said petition for annexation have been verified, and it

24 has been ascertained that the persons initiating said petition are owners of

25 not less than twenty-five percentum (25%) of the assessed valuation of the

26 real property located in the area to be annexed, and constitute not less than

27 twenty-five percent (25%) of the persons who reside in the area to be

28 annexed and who are registered as voters in Anne Arundel County elections

29 in the precincts in which the territory to be annexed is located; and

30

31 **WHEREAS,** the Annapolis City Council conducted a preliminary review on this petition

32 on February 11, 2002 and on February 25, 2002, at which time the Council

33 considered the requirements of Section 2.52.040 of the Code of the City of

34 Annapolis; and

35

36 **WHEREAS,** the Annapolis City Council, in accordance with Section 2.52.040 (D),

37 referred the petition to the Planning and Zoning, Public Works and Finance

38 departments, as well as to the Planning and Zoning Commission; and

39

40 **WHEREAS,** the Annapolis City Council conducted a public hearing on this request on

41 December 23, 2002, at which time the Council heard a staff report presented

42 by the Director of Planning and Zoning and the report of the Planning

43 Commission and received the Findings of Fact and Recommendations of the

44 Planning Commission dated November 7, 2002, together with a

1 Memorandum from the Planning and Zoning Director to the Planning
2 Commission dated October 30, 2002; and during which hearing testimony
3 was taken from the applicant and counsel, members of the general public
4 were afforded the opportunity to offer testimony and documentary evidence
5 was submitted and received; and
6

7 **WHEREAS**, the Annapolis City Council has considered the standards for the approval of
8 the Annexation request as set forth in Section 2.52.070 of the Code of the
9 City of Annapolis and finds as follows:
10

- 11 1. The annexation will enhance and will not be detrimental to or endanger the public
12 health, safety, morals, convenience or general welfare of the citizens of the area
13 proposed to be annexed or of the surrounding areas of the City and of the County;
14
- 15 2. The annexation will not be injurious to the use and enjoyment of other property in
16 the immediate vicinity nor substantially diminish and impair property values within
17 the neighborhood;
18
- 19 3. The annexation is in conformance with the plans of general development of the City
20 and of the County;
21
- 22 4. Acceptable and reasonable steps are being or will be taken to provide adequate
23 municipal services;
24
- 25 5. The annexation will not precipitate environmental degradation;
26
- 27 6. The annexation will generate revenue at least equal to the anticipated cost of
28 providing municipal services; and
29

30 **WHEREAS**, the said property is presently designated as medium density residential use
31 and carries a Critical Area Zoning classification of Limited Development Area
32 (LDA) and Buffer Exemption Area (BEA) under the zoning regulations of
33 Anne Arundel County; and
34

35 **WHEREAS**, the applicant requests a zoning classification of R2, Single-Family
36 Residence District and Limited Development Area (LDA) and Buffer
37 Exemption Area (BEA) for the property, which request has been addressed
38 by the City Council in considering Ordinance O-13-02.
39

NOW THEREFORE BE IT RESOLVED this 13th day of January, 2002 2003, by the Annapolis City Council that the hereinafter described property be, and it is hereby, annexed to the lands and properties heretofore included within the boundaries of the City of Annapolis, and it hereafter shall be generally subject to the provisions of the Charter and Code of the City of Annapolis, said property being more particularly described as follows:

METES AND BOUNDS DESCRIPTION
TO ACCOMPANY
BEMBE BEACH / BAY FRONT DRIVE ANNEXATION PETITION INTO
THE CITY OF ANNAPOLIS

BEGINNING for the same at a point near the high water line of the Severn River, said point marks the end of the South 20° 13' 40" East, 286.96 ft. line as described in Appendix I, the City of Annapolis boundary description, effective date 6/25/98. Thence from the point of beginning so fixed and binding on the high water line of the Severn River, sometimes called the high water line of the Chesapeake Bay, the following thirty-five (35) bearings and distances:

1. South 07° 49' 48" West, 9.25 ft.; thence
2. South 06° 52' 30" West, 15.73 ft.; thence
3. South 17° 03' 57" East, 22.03 ft.; thence
4. South 30° 18' 25" East, 45.96 ft.; thence
5. South 22° 48' 07" East, 20.33 ft.; thence
6. South 16° 37' 44" East, 46.57 ft.; thence
7. South 25° 19' 05" East, 39.22 ft.; thence
8. South 56° 25' 22" East, 16.15 ft.; thence
9. South 07° 20' 11" East, 18.70 ft.; thence
10. South 19° 05' 40" East, 21.14 ft.; thence
11. South 46° 24' 11" East, 8.81 ft.; thence

- 1 12. South 12° 43' 03" East, 20.53 ft.; thence
- 2 13. South 23° 06' 22" East, 24.82 ft.; thence
- 3 14. South 70° 43' 12" East, 27.54 ft.; thence
- 4 15. South 08° 24' 16" East, 13.67 ft.; thence
- 5 16. South 21° 00' 12" East, 19.86 ft.; thence
- 6 17. South 03° 47' 23" West, 8.86 ft.; thence
- 7 18. South 08° 15' 50" East, 24.01 ft.; thence
- 8 19. South 13° 13' 08" East, 14.52 ft.; thence
- 9 20. South 04° 17' 20" East, 29.88 ft.; thence
- 10 21. South 29° 15' 12" East, 26.39 ft.; thence
- 11 22. South 62° 03' 42" East, 8.73 ft.; thence
- 12 23. South 07° 58' 23" East, 26.79 ft.; thence
- 13 24. South 22° 19' 23" East, 27.43 ft.; thence
- 14 25. South 45° 18' 50" East, 8.14 ft.; thence
- 15 26. South 05° 19' 21" East, 18.68 ft.; thence
- 16 27. South 14° 59' 15" East, 29.42 ft.; thence
- 17 28. South 24° 15' 56" West, 5.83 ft.; thence
- 18 29. South 05° 59' 38" East, 16.79 ft.; thence
- 19 30. South 09° 49' 20" East, 22.64 ft.; thence
- 20 31. South 22° 32' 59" West, 6.45 ft.; thence

- 1 32. South 03° 43' 34" East, 27.80 ft.; thence
2 33. South 02° 38' 34" West, 30.02 ft.; thence
3 34. South 09° 03' 35" West, 19.79 ft.; thence
4 35. North 82° 14' 00" West, 15.76 ft.; to a point which marks the beginning of the
5 South 16° 32' 14" West, 36.42 ft. line as described in Appendix I, the City of
6 Annapolis boundary description, effective date 6/25/98; thence leaving the high
7 water line of said Chesapeake Bay and binding reversely on the City of
8 Annapolis boundary lines, the following six bearings and distances:
9
10 36. North 82° 14' 00" West, 382.81 ft.; thence
11 37. North 07° 08' 12" East, 163.62 ft.; thence
12 38. North 05° 06' 46" West, 137.12 ft.; thence
13 39. North 81° 18' 43" West, 65.99 ft.; thence
14 40. North 28° 19' 40" East, 177.92 ft.; thence
15 41. North 50° 34' 50" East, 217.88 ft. to the point of beginning,
16

17 **CONTAINING** 181,481 square feet of land more or less, or 4.1662 acres of land
18 more or less, within the bounds of this description, according to a survey and plat by C. D.
19 Meekins & Associates, Inc., Consulting Engineers and Surveyors, September, 2001.
20

21 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the said
22 property will be placed upon the tax rolls of the City of Annapolis immediately upon the
23 effective date of this annexation, and the owner thereof shall be liable for real estate taxes
24 as provided by Maryland law levied for the fiscal year during which this Resolution is
25 effective, prorated from the effective date.
26

27 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that subject to
28 the following conditions, the Bembe Beach / Bay Front Drive property annexation is hereby
29 approved:
30

- 31 1. Existing storm water management facilities, street lights, roads and curbs are to
32 remain privately owned and maintained.

2. Refuse collection is the responsibility of the City, subject to a Hold Harmless Agreement executed by the City and the property owners who are applicants to the annexation petition.

3. The property owners shall be responsible for all costs associated with the extension of water and sewer services to the site, including tap fees, connection charges, capital facility capital assessment charges and inspection fees.

4. 4. Prior to the issuance of any permits, and subject to the approval of the Department of Public Works, the owners of the Properties shall submit to the City a water capital facilities impact charge in the amount of _____ Dollars per residential unit as determined by the Department of Public Works. This impact charge is in addition to all fees and charges customarily levied by the City of Annapolis.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the 1998 Annapolis Comprehensive Plan shall be amended to reflect the annexation of the Bembe Beach property and the zoning designation as designated by Ordinance O-13-02 Amended.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that this Resolution shall become effective upon the forty-fifth day following the date of its passage, provided no Petition for Referendum has been properly filed according to law.

ADOPTED this 13th day of January, 2003.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

Deborah Heinbuch, CMC/AEE
City Clerk

BY: _____
ELLEN O. MOYER, MAYOR

Effective Date: February 27, 2003

EXPLANATION:

Redlining indicates matter added to existing law.

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2
3
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Strike Out indicates matter deleted from existing law.
Underlining and redlining indicate amendments.